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DEC 02 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**JUDICIAL STANDARDS COMMISSION
STATE OF MONTANA**

INQUIRY CONCERNING)	
COMPLAINT OF:)	No. PR09-_____
)	
JUDICIAL STANDARDS)	
COMMISSION,)	FORMAL COMPLAINT
Complainant)	
vs.)	
)	
LEROY NOT AFRAID,)	
Respondent.)	

COMES NOW Geoffrey R. Keller, Prosecuting Attorney appointed by the Judicial Standards Commission of the State of Montana, and on behalf of the above named complainant does hereby make formal complaint against the Respondent LEROY NOT AFRAID, a judicial officer of the State of Montana, as follows:

1. In the November 2006 general election Respondent was duly elected Justice of the Peace, Big Horn County, Montana.

2. Pursuant to §3-10-202, MCA (2005), Respondent took the Montana constitutional oath of office and the oath was filed with the Big Horn County Clerk and Recorder.

3. Respondent began the term of his judicial position on January 1, 2007.

4. On March 6, 2009, while still holding his judicial office, Respondent filed to run for the position of chairman of the Crow Tribe, which is an elective public office.

5. Respondent did not forfeit or resign his judicial position after filing for, or while running as, candidate for chairman of the Crow Tribe.

6. In not resigning or forfeiting his judicial position, Respondent violated Article VII, Section 10, of the Montana Constitution, which provides:

Any holder of a judicial position forfeits that position by either filing for an elective public office other than a judicial position or absenting himself from the state for more than 60 consecutive days.

7. In not resigning or forfeiting his judicial position Respondent violated Rules 1.1, 1.2 and 3.1 of the 2008 Montana Code of Judicial Conduct, adopted by the Montana Supreme Court December 1, 2008, effective January 1, 2009, which provide as follows:

Rule 1.1 *Compliance with the Law.* A judge shall comply with the law, including the Code of Judicial Conduct.

Rule 1.2 *Promoting Confidence in the Judiciary*. A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

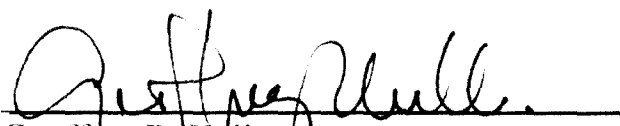
3.1 *Extrajudicial Activities in General*. A judge may engage in extrajudicial activities, except as prohibited by law or this Code.

“Law” encompasses court rules as well as statutes, constitutional provisions, and decisional law.

8. Respondent’s actions as set forth above should be appropriately disciplined in accordance with the Rules of the Judicial Standards Commission of the State of Montana.

Dated this 1st day of December, 2009.

MATOVICH, KELLER & MURPHY, P.C.

By: 
Geoffrey R. Keller
Prosecuting Attorney